

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN DAVID PAMPLIN,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76110

**FILED**

JUL 17 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK


*ORDER DENYING PETITION*


This is an original petition for a writ of prohibition seeking an order directing the district court to reverse John David Pamplin's judgment of conviction and sentence. Pamplin asserts he did not commit the crime, his sentence constitutes cruel and unusual punishment, and his counsel was ineffective.

We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction. *See* NRS 34.320; NRS 34.330; NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). ("Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). A challenge to the validity of the judgment of conviction must be raised in a postconviction petition for a writ

of habeas corpus filed in the district court in the first instance.<sup>1</sup> NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: John David Pamplin  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.